

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CV-226-H(1)

MATT ROBINSON, )  
)  
Plaintiff, )  
)  
v. )  
)  
TRACY SANTROCK, SANTROCK )  
REALTY GROUP, INC., MARY )  
MCKNIGHT and SACRILICIOUS )  
MARKETING LLC, )  
)  
Defendants. )  
)  
TRACY SANTROCK and SANTROCK )  
REALTY GROUP, INC., )  
)  
Cross-Claimants, )  
)  
v. )  
)  
MARY MCKNIGHT and )  
SACRILICIOUS MARKETING, LLC, )  
)  
Cross-Defendants. )

**ORDER**

This matter is before the court on the cross-claimants' motion for default judgment against the cross-defendants, Mary McKnight and Sacrilicious Marketing, LLC [DE #28]. Default judgment is available "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by [the Federal Rules of Civil Procedure] and that fact is made to appear by affidavit or

otherwise." Home Port Rentals, Inc. v. Ruben, 957 F.2d 126, 133 (4th Cir. 1992).

This action arises out of a copyright infringement claim instituted by plaintiff Matt Robinson against Tracy Santrock, Santrock Realty Group, Inc., Mary McKnight, and Sacrilicious Marketing, LLC. Plaintiff alleges that the defendants caused a photograph owned by him to be displayed on Santrock Realty's Facebook page in violation of plaintiff's copyright. On July 19, 2010, Tracy Santrock and Santrock Realty filed an Answer and Crossclaim, denying any copyright infringement and alternatively alleging that if liability exists, they are entitled to indemnification from Mary McKnight and Sacrilicious Marketing, LLC.

On September 7, 2010, default was entered by the clerk of this court against Mary McKnight and Sacrilicious Marketing, LLC, due to their failure to plead or otherwise defend the crossclaim filed by Tracy Santrock and Santrock Realty. No appearance has been made on behalf of either of the cross-defendants since the entry of default and default judgment is, therefore, appropriate.

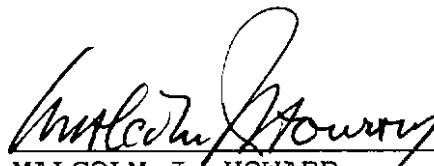
In support of their motion for default judgment, cross-claimants have presented evidence establishing that the claims filed against them by plaintiff Robinson were settled for the sum of \$2,000. Based upon this evidence, the court finds that

judgment should be entered in favor of Tracy Santrock and Santrock Realty Group, Inc., against cross-defendants Mary McKnight and Sacrilicious Marketing, LLC, jointly and severally, in the amount of \$2,000.

For the foregoing reasons, the cross-claimants' motion for default judgment [DE #28] is GRANTED. The court finds no just reason for delay and, therefore, orders that final judgment be entered, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, in favor of Tracy Santrock and Santrock Realty Group, Inc., against cross-defendants Mary McKnight and Sacrilicious Marketing, LLC, jointly and severally, in the amount of \$2,000.

Plaintiff's claims against Mary McKnight and Sacrilicious Marketing, LLC, remain before the court. The clerk is directed to continue management of the case.

This 14<sup>th</sup> day of April 2011.



MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
#31